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OFFICE OF PETITIONS

In re :
Ayai, et al. : DECISION REGARDING
Application No. 09/869,376 : PATENT TERM ADJUSTMENT
Filed: June 28, 2001 :
Patent No. 6,828,508 :
Issued: December 7, 2004 :

This decision is in response to the "COMMUNICATION REGARDING PATENT TERM ADJUSTMENT", filed November 30, 2004, requesting correction of the patent term adjustment (PTA) indicated on the patent.

The request is DISMISSED.

On March 24, 2004, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is two hundred sixty-one (261) days. On December 7, 2004, the application issued into Patent No. 6,828,508 with a PTA of two hundred two (202) days. Patentees

submitted the instant "COMMUNICATION REGARDING PATENT TERM ADJUSTMENT" on November 30, 2004. Patentees states that they believe there was an error in their favor in the patent term adjustment calculation.

The Office determined a patent term adjustment of two hundred two (202) days based on an adjustment for PTO delay of two hundred sixty-six (266) days pursuant to 35 U.S.C. 154(b)(1)(A)(i) and 37 C.F.R. § 1.703(a)(1), and forty-six (46) days pursuant to 35 U.S.C. 154(b)(1)(A)(iv) and 37 C.F.R. § 1.703(a)(6), reduced by five (5) days of applicant delay pursuant to 35 U.S.C. 154(b)(2)(C)(ii) and 37 C.F.R. § 1.704(b) and one hundred five (105) days pursuant to 35 U.S.C. 154(b)(2)(C)(i) and 37 C.F.R. § 1.704(c)(10).

A review of the application does not reveal any errors in the calculation of the patent term adjustment. Accordingly, the correct patent term adjustment is two hundred two (202) days.

Telephone inquiries specific to this letter should be directed to Cliff Congo, Petitions Attorney, at (571) 272-3207.

Karin Ferriter

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